



## New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	120A	Dispute Resolution	12/9/2008
Subchapter:	2	General Provisions For Division Dispute Resolution And Administrative Hearings	
Section	5	<b>Requests for dispositional reviews and administrative hearings (N.J.A.C. 10:120A-2.5)</b>	

### §10:120A-2.5 Requests for dispositional reviews and administrative hearings

(a) Any person noticed of a Division action and entitled to appeal that Division action as set forth in N.J.A.C. 10:120A-3.1 may request a dispositional review or in N.J.A.C. 10:120A-4.3 may request an administrative hearing, as appropriate, within 20 days of notice of that Division action, or within 20 days of learning of the Division action, as provided in (b) below. Any written expression by an appellant, or a person acting as the appellant's representative, to the effect that the appellant wants the opportunity to present his or her case to a higher authority with regard to a Division action, constitutes a request for a dispositional review or an administrative hearing, as appropriate, when done in accordance with the notice provided. A Division representative shall help the appellant write his or her request when the appellant requests help.

(b) Any person entitled to appeal a Division action but who has not received notice of the Division action may request an appeal of that Division action within 20 days of learning of the Division action.

(c) Notice of a Division action shall provide contact information, including the address to which a request for an appeal is made.

(d) The recipient of the request to appeal a Division action shall forward that request to the appropriate resolution authority as specified in N.J.A.C. 10:120A-3.1 or 4.3 within one business day of receipt of the request to appeal a Division action.

(e) The Administrative Hearings Unit shall acknowledge in writing each request for appeal involving a matter described in N.J.A.C. 10:120A-3.1 or 4.3 within 10 business days. The written acknowledgment shall inform the appellant of the right to a dispositional review or an administrative hearing and the procedures for a dispositional review or an administrative hearing.

(f) The Division shall deem the appellant to have waived his or her right to a dispositional review or administrative hearing, if an appellant fails to request a dispositional review or an administrative hearing within the time limits established

for appealing a Division action in accordance with (a) and (b) above, except that the Administrative Hearings Unit shall not deny the appellant's request if the reason for the delay in making the request was not within the appellant's control.